

BEFORE THE  
OFFICE OF ADMINISTRATIVE HEARINGS  
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

TEMPLE CITY UNIFIED SCHOOL  
DISTRICT.

OAH Case No. 2016040490

ORDER DENYING REQUEST FOR  
CONTINUANCE WITHOUT  
PREJUDICE

On May 20, 2016, at 5:04 p.m., the parties filed a joint request to continue the initially set dates in this matter with the Office of Administrative Hearings, and have the hearing commence on August 30, 2016. The request did not provide a reason why the parties sought a further continuance after the parties agreed to hearing dates and issues for hearing during the prehearing conference earlier on May 20, 2016.

A due process hearing must be conducted and a decision rendered within 45 days of receipt of the due process notice unless an extension is granted for good cause. (34 C.F.R. § 300.515(a) & (c) (2006); Ed. Code, §§ 56502, subd. (f), 56505, subd. (f)(3); Cal. Code Regs., tit. 1, § 1020.) As a result, continuances are disfavored. Good cause may include the unavailability of a party, counsel, or an essential witness due to death, illness or other excusable circumstances; substitution of an attorney when the substitution is required in the interests of justice; a party's excused inability to obtain essential testimony or other material evidence despite diligent efforts; or another significant, unanticipated change in the status of the case as a result of which the case is not ready for hearing. (See Cal. Rules of Court, rule 3.1332(c).) OAH considers all relevant facts and circumstances, including the proximity of the hearing date; previous continuances or delays; the length of continuance requested; the availability of other means to address the problem giving rise to the request; prejudice to a party or witness as a result of a continuance; the impact of granting a continuance on other pending hearings; whether trial counsel is engaged in another trial; whether the parties have stipulated to a continuance; whether the interests of justice are served by the continuance; and any other relevant fact or circumstance. (See Cal. Rules of Court, rule 3.1332(d).)

OAH has reviewed the request for good cause and considered all relevant facts and circumstances. The request is:

☒ Denied without prejudice. All hearing dates are confirmed and shall proceed as calendared. The parties' continuance request did not state why the parties requested that the hearing in this matter commence on August 30, 2016, when the parties earlier on May 20, 2016, agreed that the hearing would begin on June 1, 2016. Further, the

parties did not comply with the May 20, 2016, prehearing conference order that required all subsequent motions contain a declaration why the motion was not filed before the prehearing conference. The parties may resubmit the continuance with the required information.

IT IS SO ORDERED.

DATE: May 23, 2016

DocuSigned by:  
*Peter Paul Castillo*  
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PETER PAUL CASTILLO  
Presiding Administrative Law Judge  
Office of Administrative Hearings